

ELECTIONS

What poll watchers can and can't do at Wisconsin voting sites

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Published 5:35 a.m. CT Oct. 20, 2020 | Updated 12:09 a.m. CT Nov. 4, 2020

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Milwaukee sounds off on the election process

A day after the election in a presidential race that's too close to call, Milwaukee residents discuss what's right and wrong with our election process. *Mike De Sisti, Milwaukee Journal Sentinel*

Exhibit 37

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Although people coming out to monitor the voting process is nothing new — especially during a presidential election — the concept of poll watching has been in the spotlight recently.

Last month during his debate with Democratic challenger Joe Biden, President Donald Trump urged his supporters to "go into the polls and watch very carefully."

Different states have different rules about who can watch the polls — and what they're allowed to do.

Here's what to know in Wisconsin, whether you're interested in watching the voting take place or a voter wanting to ensure your right to vote is preserved.

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Who can observe elections in Wisconsin?

Anyone.

In Wisconsin, poll watchers are called "election observers" — and anyone can do it, regardless of whether they are observing on behalf of a political party.

In some states, only observers who've been trained by political parties are allowed to watch the polls. Otherwise, access is limited to voters and election workers.

Observers do not need to be Wisconsin residents. They also don't have to be U.S. citizens or live in the U.S.

What are poll watchers allowed to observe?

Observers can go to locations offering early voting, which started Tuesday, Oct. 20.

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On Election Day, they can go to polling locations and central counts, where absentee ballots are counted in 39 municipalities in Wisconsin, including Milwaukee.

The pandemic has brought an influx of absentee ballots into Milwaukee's central count as voters shy away from heading to the polls on Election Day during a pandemic.

What do people need to do to observe elections?

Observers can arrive as soon as the polls open.

Those looking to observe need to bring photo identification and check in with the chief election inspector, the person in charge of the voting site.

They will also have to sign in and wear an election observer badge.

Observers will then be shown where to sit and will be required to stay in that area.

How many people are allowed to observe an election?

In Milwaukee, the number of election observers at smaller voting sites will be limited during early voting and on Nov. 3 because of the health and safety practices in place during the pandemic, Milwaukee Election Commission Executive Director Claire Woodall-Vogg said.

At locations where only one observer can be present at a time, she said, observers would swap out so multiple people can observe there over the course of the day.

Milwaukee election officials currently anticipate about 60 observers will be allowed at central count on Election Day, including 15 from each of the two major political parties. Central count will also be livestreamed to address concerns about limits on observers, she said.

Can observers use their phones?

Observers are allowed to text or silently use their phones in polling places, but they cannot take videos or photos while the polls are open. Making or taking phone calls in the polling area is also prohibited.

Members of the media may take videos and photos if doing so doesn't disrupt voting or reveal how someone voted.

Observers can take photos and video at central count as long as they don't disrupt the process or show how someone voted.

What are election observers not allowed to do?

Election observers are limited in what they are allowed to do inside a voting site.

They are prohibited from:

- Handling official election documents.
- Discussing candidates, political parties or ballot questions.
- Wearing anything that is intended to influence the election, including related to candidates or political parties.
- Interacting with voters, unless the observer is asked by a voter to help with casting a ballot.
- Getting into curbside voters' vehicles.

They're also prohibited from "electioneering," defined in [Wisconsin law](#) as "any activity which is intended to influence voting at an election."

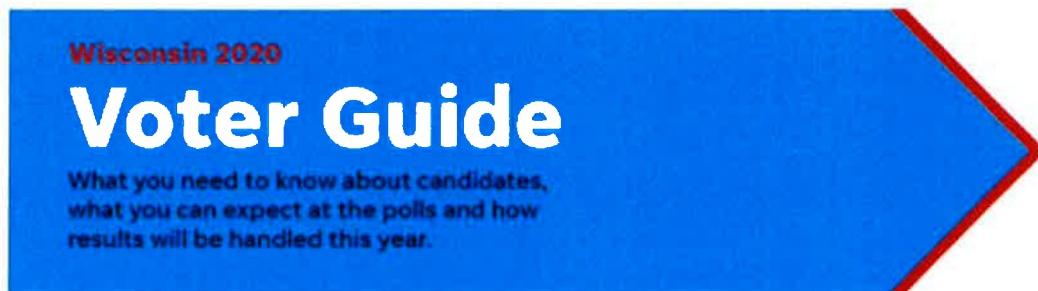
And while they can ask the chief inspector to see documents, including the poll list, observers cannot disrupt the process or see confidential voter information.

What should election observers do if they believe something is amiss?

Election observers must talk to the chief inspector if they think something isn't right.

Observers [who are eligible to vote in Wisconsin](#) may challenge whether someone is eligible to vote by reporting this to the chief inspector.

"Challenges must be supported by specific evidence related to the individual voter," according to [Wisconsin Elections Commission guidance](#). "Any individual who abuses the right to challenge may be subject to a lawful order of an election inspector to cease making challenges and removal from the polling place if the individual refuses to obey such an order."



Can Wisconsinites bring guns to the polls?

Wisconsin doesn't have a statewide law or policy governing the possession of guns in polling places, so the rules depend on the circumstances of each voting location, Wisconsin Attorney General Josh Kaul said.

Many polling places in the state are located in buildings such as schools where firearms are already banned, he said, and those rules apply during voting as well. Guns would also be prohibited in polling places located in private or government buildings with posted firearm bans.

"If there's not one of those policies in place, then there would not be a prohibition," the Democratic attorney general said. "Although ... there are other policies related to voter intimidation that would still be potentially relevant."

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No one would be allowed to brandish a gun or use one to intimidate voters in any way, he said.

Election inspectors also have a lot of discretion to remove people from the polls if they are disrupting or interfering with the voting process, including if that disruption involved a firearm, he said.

Kaul acknowledged that such a situation reflects a potential circumstance in which Second Amendment rights and the right to vote are in conflict.

"But there are certain rules that have been upheld," he said. "For example, gun-free school zones — the public safety interest there has been found sufficient to justify reasonable restrictions. And, likewise, the extent that somebody's possession of a firearm is interfering with the ability of other citizens to vote, that's something that we take very seriously and election inspectors have authority to take the action that's appropriate given the circumstances."

Still, he said, an election inspector couldn't take action if someone had a weapon but wasn't disrupting or interfering with the process in a location in which firearms weren't already prohibited.

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- What poll watchers can and can't do at Wisconsin voting sites
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How will disruptions at the polls be handled?

The Wisconsin Attorney General's Office on Monday issued a warning that voter intimidation is illegal and that state law "prohibits anyone from using or threatening force to compel someone to vote, to keep them from voting, or to influence their voting decision."

The statement cited "brandishing or displaying firearms in an intimidating or threatening manner in or near a polling place" as an example of intimidation, as well as behaving in a disorderly way and preventing polling place access through threats or intimidation.

The statement also said federal and state laws prohibit "private groups" from performing law enforcement or military activities.

Woodall-Vogg said chief inspectors are trained to expect additional election observers during presidential elections.

"With any election, I know there's lots of concerns about polling place safety and security and whether or not any observers could be there to intentionally cause any interference or intimidation," she said.

She said chief inspectors at polling places and site supervisors at early voting locations are trained to maintain control over the polling place and ensure that no voter is experiencing intimidation or badgering.

"That won't be tolerated, so much so that if the observer isn't complying with the chief inspector, the next phone call is to the police," she said.

Election officials, Woodall-Vogg said, are working closely with law enforcement in preparation for the election.

"In most years, our biggest threat are cybersecurity attacks ... this year we are facing more concerns around actual polling place safety."

But, she said, officials are not aware of any imminent threat in Milwaukee, and election inspectors, chief inspectors and law enforcement will be trained on what is and is not allowed at polling places.

She said there have been no substantiated reports of any rallies or events planned around early voting locations in Milwaukee.

"We don't have any substantiated intelligence of anything like that being planned but it's important for the public to know that voter intimidation doesn't have a boundary," she said, adding it's illegal regardless of where it takes place.